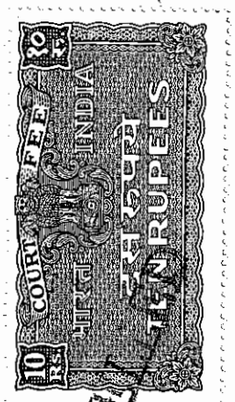

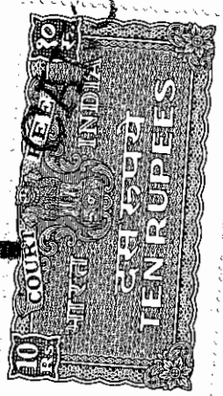

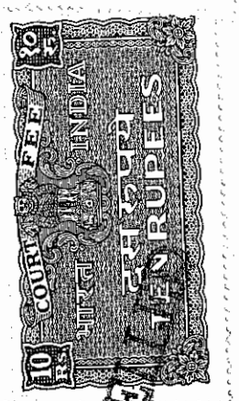

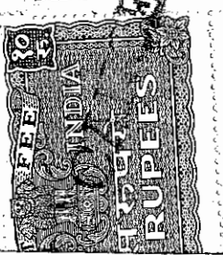

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 718 OF 2001

BETWEEN

Bhimsen Swarnkar S/o Shri Bodhram Swarnkar, aged about 37 years, Assistant Teacher, Boys Primary School Pathalgaon, posted at Bal Ashram Pathalgaon, District Jashpur .

P. R. No. 30/1/01
Presented by Shri A.K. Tiwary
dated 18.1.01

PETITIONER

A N D

1. State of Chhattisgarh, Through the Secretary Department of Tribal Welfare, Mantralay, D.K.Buildings Raipur.

2. Collector, Raigarh, District Raigarh.

3. Assistant Commissioner, Tribal Development, Raigarh.

4. Block Education Officer, Vikas Khand Pathalgaon, Distrtict Jashpur.

5. The State Administrative Tribunal, Raipur (Chhattisgarh).

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

W.P. 718/2001

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
2.5.2001	Shri Prashant Mishra learned counsel for the petitioner. Dr.M.K.Shukla, learned Dy.A.G. for the respondents. Shri Mishra learned counsel for the petitioner submits that the Tribunal was unjustified in making the observations in the order impugned that the petitioner or Principal of the school had forged some order. According to him, the order on which reliance was placed was dated 24.7.1999 and was issued by the Deputy Secretary, State of Madhya Pradesh, School Education Department. He further submits that the said Deputy Secretary had referred to certain directions given by the Principal Secretary of the department, but the Tribunal has wrongly held that the petitioner was relying upon the letter dated 24.7.1999 alleged to be issued by the Chief Secretary. He submits that in fact the Principal of the school after misreading the letter of the Secretary quoted in his order that letter dated 24.7.99 was issued by the Principal Secretary. He further submits that because of the observations made by the Tribunal the petitioner has been suspended and he is likely to face serious consequences. Dr. Shukla, learned	

GRPRJ—FS/311—1/2001—50,000.

(58)

ORDER SHEET

THE COURT..... Wl. 718/2001

.....of 199

Date of order or Proceeding	Order or Proceeding with signature of Presiding Officer	Signature of Parties or Pleaders where necessary
	Deputy Advocate General, referring to paras 13, 14 and 18 of the order impugned submits that the Tribunal was absolutely justified in holding that the petitioner had forged the alleged letter. In our opinion, the petitioner must file a review petition before the Tribunal bringing to ~~them~~ notice of the learned Member of the Tribunal that letter Annexure-P/5 was issued by the Deputy Secretary and it was referring to certain instructions of the Principal Secretary and the Principal of the School, and probably misreading the letter of the Deputy Secretary, recorded in his letter that he was issuing orders in accordance with the directions of the Chief/Principal Secretary. The petitioner is free to approach the Tribunal with a review petition. The petition is disposed of. C.C. to parties on payment. Sd/- R.S. Garg Judge Sd/- Chief Justice	

Main

CSO 26/2/09